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January 27, 1960

Mr. Donald L. Lockwood  
Executive Secretary  
State Planning & Building  
Commission  
Phoenix, Arizona

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**ARIZONA ATTORNEY GENERAL**

Dear Mr. Lockwood:

The Attorney General acknowledges receipt of your letter of January 21, 1960 which enclosed a letter addressed to you by the Regional Director of the Housing and Home Finance Agency, San Francisco, California, under the following symbol:

P-Ariz-3053  
Workshop for Industries  
for the Blind

The correspondence treats with an application for an advance for public works planning submitted by the State Planning and Building Commission for the construction of a Workshop for the Industries for the Blind at 3013 West Lincoln Street, Phoenix, Arizona.

The communication from the Regional Director advises you that the current policy of the Housing and Home Finance Agency requires, among other things, that the agency receiving the advance shall have express authorization to plan the specific public works involved and authority to contract with the government with respect to the repayment of the advance. Thereupon the Regional Director's letter states that he fails to find the required authorization in the application involved.

The State Planning and Building Commission of Arizona was created by Laws 1956, Chap. 65. That law is now incorporated in Arizona Revised Statutes Annotated, Title 41, Chap. 3, Art. 5.1. (A.R.S. §§ 41-571.01 to 41-571.15).

It is the opinion of the Attorney General that the laws of this state above referred to authorize the State Planning and Building Commission to submit the application here involved and to contract with the Federal Government in respect thereto and particularly with respect to the repayment of any

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advance which may be made as requested in the application.

We particularly refer to § 41-571.03E, which provides:

"E. The commission may utilize the services of any state agency and the state agency shall render the services when requested by the commission. The commission may accept in such manner and in such capacities as it may deem appropriate the services, property, funds, grants-in-aid, or reimbursement from any federal, state or local agency or from any person, business, professional, or civic organization."

We will also set forth § 41-571.08, which provides:

"A. The commission may sue and be sued, make contracts, and hold, use or lease any property acquired by it or coming under its jurisdiction.

B. The commission may acquire in the name of the state by gift, grant, purchase, condemnation or in any other lawful manner real property necessary, useful or convenient for the use of the state in the administration of the state's business. If the power of eminent domain is exercised it shall be exercised as provided in §§ 12-1111 through 12-1120.

C. The amount paid for any property purchased by the commission, except such property as may be acquired by condemnation shall not exceed the appraised value as fixed by a committee of three appraisers to be appointed by the governor, each of whom shall be a member of the American Institute of Real Estate Appraisers (NAI). The cost of the appraisal shall be paid by the commission from funds appropriated to the commission."

The Legislature has conferred on the State Planning and Building Commission by the statutes above referred to plenary authority for the planning and construction of state projects,

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including the construction of a Workshop for the Industries  
for the Blind, and that authority is extended to contracting  
with a Federal Agency in respect thereto.

Very truly yours,

WADE CHURCH  
The Attorney General

LESLIE C. HARDY  
Chief Assistant  
Attorney General

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